

From: [Laura M. Nishimura](#)
To: [Taylor, Jeffrey A.](#)
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources
Date: Monday, October 17, 2022 5:33:35 PM

Confirmed, the response to this FOIA request is complete.

From: Taylor, Jeffrey A. <Taylor.Jeffrey@epa.gov>
Sent: Monday, October 17, 2022 4:30 PM
To: Laura M. Nishimura <nishimural@jbltd.com>
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources

Great, Laura. Can you please confirm that you have what you need for this FOIA request and that I can therefore begin the process to close it?

Jeff

Jeffrey Taylor
Public Information & Records Integrity Branch
Communications Services and Information Division
Office of Program Support
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202)-565-2317

From: Laura M. Nishimura <nishimural@jbltd.com>
Sent: Monday, October 17, 2022 5:27 PM
To: Taylor, Jeffrey A. <Taylor.Jeffrey@epa.gov>
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources

Thank you for the additional information, Jeff.

From: Taylor, Jeffrey A. <Taylor.Jeffrey@epa.gov>
Sent: Monday, October 17, 2022 4:24 PM
To: Laura M. Nishimura <nishimural@jbltd.com>
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources

Hi Laura,

I received the following response from our subject matter experts that I believe answers your Recall question well:

- “Recall” is not a term used in the pesticide product sense, unlike FDA and FFDCA, there is no recall provision in FIFRA. The actions that can be taken under FIFRA are product suspension and cancellation. There have been no agency-initiated product suspension or cancellation associated with PFAS detection. However, as described in the press release <https://www.epa.gov/newsreleases/epa-releases-testing-data-showing-pfas-contamination->

[fluorinated-containers](#), in those cases where PFAS contamination of a pesticide product attributable to leaching from certain container types was confirmed by EPA, the agency has worked with the registrants of those products to utilize alternative containers that have been demonstrated to not contain nor leach PFAS.

So to summarize: There is no recall of pesticide products related to PFAS.

Jeff

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From: Laura M. Nishimura <nishimural@jbltd.com>
Sent: Saturday, October 15, 2022 5:24 PM
To: Taylor, Jeffrey A. <Taylor.Jeffrey@epa.gov>
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources

Hi Jeff,
Thank you for your response and the links to information. To answer your questions, (1) regarding measurements, we do not need any instrument data; and (2) by recalls, were any pesticide recalls issued to manufacturers, producers, or retailers of pesticides in response to potential detection or detection of PFAS?

Please let me know if I can clarify anything else for you.
Thanks,
Laura

From: Taylor, Jeffrey A. <Taylor.Jeffrey@epa.gov>
Sent: Wednesday, October 12, 2022 3:08 PM
To: Laura M. Nishimura <nishimural@jbltd.com>
Subject: RE: EPA-2022-006451 (Nishimura PFAS Pesticides): Information Sources

Hi Laura,

As a follow-up to my email to you yesterday (below) regarding the EPA-2022-006451 (Nishimura PFAS Pesticides) FOIA, I received clarification from the OPP/PFAS subject matter experts today that we should not need to undergo the more time-consuming eDiscovery search for responsive records because responsive documents are already publicly available and can be found at the following locations:

- **Testing of HDPE Containers (03/05/21)**

- https://www.epa.gov/sites/default/files/2021-03/documents/results-of-rinsates-samples_03042021.pdf
- **Data Release Press Statement (03/05/21)**
 - <https://www.epa.gov/newsreleases/epa-releases-testing-data-showing-pfas-contamination-fluorinated-containers>
- **Oily Matrix Method Development (09/08/21)**
 - <https://www.epa.gov/system/files/documents/2021-09/epa-pfas-method-in-oil.pdf>
- **Oily Matrix Press Statement (09/29/2021)**
 - <https://www.epa.gov/pesticides/updates-epa-efforts-address-pfas-pesticide-packaging>
- **Testing of Permanone 30-30 and PermaSease 30-30 (10/21/21)**
 - https://www.epa.gov/system/files/documents/2021-09/epa-pfas-mda-report_0.pdf
- **Leaching Study Results (09/08/22)**
 - https://www.epa.gov/system/files/documents/2022-09/EPA%20PFAS%20Container%20Leaching%20Study%2008122022_0.pdf
- **Leaching Study Press Statement (09/08/22)**
 - <https://www.epa.gov/pesticides/epa-releases-data-leaching-pfas-fluorinated-packaging>

Based upon the above information, you may have what you need for your FOIA request and please let us know if that is the case. For thoroughness, we could also ask you to please clarify the following parts of your FOIA request:

- **Measurements:** What is your definition of “measurements?” Do measurements include data generated directly from the instruments, before any review by the chemists? We think probably not because that large amount of data will be useless to you unless you have the same type of instrument (hardware and software) as ours to read them.
- **Recalls:** What do you mean by “recalls?”

Please phone me at (202)-565-2317 or reply to this email to clarify.

Thanks,
Jeff

Jeffrey Taylor
Public Information & Records Integrity Branch
Communications Services and Information Division
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Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
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From: Taylor, Jeffrey A.
Sent: Tuesday, October 11, 2022 4:27 PM
To: nishimural@jbltd.com
Subject: EPA-2022-006451 (Nishimura PFAS Pesticides)

Hi Laura Nishimura,

For your EPA-2022-006451 (Nishimura PFAS Pesticides) FOIA, you requested:

- From January 1, 2020 to the present, any and all tests, reports, studies, recalls, measurements, data, and analysis generated, obtained, or compiled by the Office of Pesticide Programs relative to PFAS in pesticide products.
- From January 1, 2020 to the present, any and all tests, reports, studies, recalls, measurements, data, and analysis generated, obtained, or compiled by the Office of Pesticide

Programs relative to developing and validating analytical methodologies for testing pesticide formulations.

We are working on your case and communicating with appropriate subject matter experts, and it appears that we will need to submit communications search criteria to our eDiscovery IT department as part of our search. Just so you are aware: We have a large backlog queue of FOIA requests due to historically low worker staff levels, but we will make progress on your case. For communications searches that are more complicated and time-consuming than searches that involve, i.e., simply locating a handful of documents, we typically extend due dates six months as a placeholder because the full process involves:

- EPA eDiscovery personnel identify potentially responsive documents,
- Our more specific Communications Services and Information Division personnel refine the presentation of materials for review,
- Our review team classifies documents according to whether they are actually responsive or not (and if responsive, whether the documents have any parts redacted/withheld based upon exemptions such as personal privacy or internal deliberativeness),
- A second-level review to check the document classifications,
- A manager review, and
- Administrative completion of the FOIA and releasing responsive materials to you.

Therefore, today you should see a communication through FOIAonline and as per 40 C.F.R. § 2.104(e) that will extend the due date.

Please let me know if you have any questions.

Thanks,
Jeff

Jeffrey Taylor
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